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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,060	02/05/2002	Cory O. Nykoluk	26/1159US	8331

7590

10/25/2002

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EXAMINER

LUGO, CARLOS

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/068,060

Applicant(s)

NYKOLUK, CORY O.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Specification*

1. The specification is objected to because of the following informalities:

- Claim 5 Line 4, change "zipper" as --slider--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3,6-8 and 11 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 2,569,076 to Schaye.

Regarding claims 1 and 8, Schaye discloses a zipper-locking device comprising a zipper that is selectively adjustable between an open position and a closed position and having two rows of teeth.

A slider that is slidably connected to the rows of teeth such that the slider can moves between a first and a second position along the rows of teeth. The slider further includes a main body and a loop (54).

A locking member (40,44 and 50) is operatively connected to the zipper. The locking member includes a loop (formed by 40 and 44).

One of the loops of the slider and the locking member constitutes a first loop and the other of the loops constitutes a second loop.

The first loop is configured to be at least partially passable through the second loop (Figure 5), when the slider is in the second position and being configured and adapted to allow a bolt of a lock (50) to be positioned extending therethrough. The second loop being configured and adapted to prevent the passage of the first loop through the second loop when the bolt of the lock is positioned extending through the first loop such that the movement of the slider towards the first position is limited when the bolt of the lock is positioned extending through the first loop.

As to claim 2, Schaye discloses that the first loop is the loop of the slider and the second loop is the loop of the locking mechanism.

As to claim 3, Schaye discloses that the loop of the locking member is rigid.

As to claim 6, Schaye discloses that the loop of the slider is a closed loop.

As to claims 7 and 11, Schaye discloses that the zipper-locking device is on a piece of baggage.

4. **Claims 1-9 and 11 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,031,944 to Keyaki.

Regarding claims 1 and 8, Keyaki discloses a zipper-locking device comprising a zipper that is selectively adjustable between an open position and a closed position and having two rows of teeth.

A slider that is slidably connected to the rows of teeth such that the slider can move between a first and a second position along the rows of teeth. The slider further includes a main body (20) and a loop (24).

A locking member (21 and 25) is operatively connected to the zipper. The locking member includes a loop (25).

One of the loops of the slider and the locking member constitutes a first loop and the other of the loops constitutes a second loop.

The first loop is configured to be at least partially passable through the second loop (Figure 7), when the slider is in the second position and being configured and adapted to allow a bolt (30) of a lock (26 and 27) to be positioned extending therethrough. The second loop being configured and adapted to prevent the passage of the first loop through the second loop when the bolt of the lock is positioned extending through the first loop such that the movement of the slider towards the first position is limited when the bolt of the lock is positioned extending through the first loop.

As to claim 2, Keyaki discloses that the first loop is the loop of the slider and the second loop is the loop of the locking mechanism.

As to claim 3, Keyaki discloses that the loop of the locking member is rigid.

As to claims 4 and 9, Keyaki discloses that the loop of the slider is integrally formed as a monolithic piece together with the main body of the slider.

As to claim 5, Keyaki discloses that the slider includes a pull loop and a pull-tab. The pull-tab is pivotally connected to the pull loop of the slider in such manner that the pull-tab is movable relative to the main body of the slider.

As to claim 6, Keyaki discloses that the loop of the slider is a closed loop.

As to claims 7 and 11, Keyaki discloses that the zipper-locking device is on a piece of baggage.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 10 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 5,031,944 to Keyaki in view of US Pat No 1,845,088 to Hunnerhoff.

Keyaki fails to disclose that the loop of the locking member pivots about an axis relative to the zipper. Keyaki discloses that the loop (25) of the locking member (21) is rigid.

Hunnerhoff illustrates that is known in the art that a loop of the locking member pivots about an axis relative to a zipper (Figure 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the loop of the locking member pivoting about an axis relative to the zipper, as taught by Hunnerhoff, into a zipper locking device as described by Keyaki, in order to give a better way to engage the loop at the slider with the loop of the locking member.

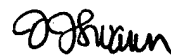
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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents cited further show the state of the art with respect to zipper locking devices for baggage compartments.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo. The examiner phone number is (703)-305-9747. The fax number for correspondence before a final action is (703)-872-9326 and the fax number for correspondence after final action is (703)-872-9327. The email direction of the examiner is carlos.lugo@uspto.gov. The examiner can normally be reached on Monday to Friday from 9:30am to 6:30pm (EST). If the examiner is not available, please leave a message, including the application number and the examiner will answer the message as soon as possible.

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October 15, 2002



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